
Transportation Committee

HB 3259

Brief Description: Modifying state environmental policy for significant transportation projects.

Sponsors: Representatives Murray and Ericks.

Brief Summary of Bill

- Requiring legislative review and approval of environmental alternatives to significant transportation projects that exceed \$50 million in total cost.

Hearing Date: 2/1/06

Staff: David Bowman (786-7339).

Background:

The Legislature enacted the State Environmental Policy Act (SEPA) for the stated purposes of encouraging harmony between humans and their environment, promoting efforts to prevent or eliminate damage to the environment, stimulating human health and welfare, and enriching citizens' understanding of the ecological systems and natural resources important to Washington and the nation.

All branches of government in Washington, including state agencies, municipal and public corporations, and counties, have duties relating to the environmental policy. One duty is to include in every proposal for legislation and other "major actions" significantly affecting the quality of the environment, a detailed environmental impact statement (EIS) by the unit's responsible official addressing the following:

- the environmental impact of the proposed action;
- any adverse environmental effects which cannot be avoided should the proposal be implemented;
- alternatives to the proposed action;
- the relationship between local short-term uses of the environment and the maintenance and enhancement of long-term productivity; and
- any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented.

The EIS requirement is only triggered by a "major action". Washington courts interpreting the SEPA have interpreted "major action" to include an agency contracting with a private entity to

engage in major transportation projects "whenever more than a moderate effect on the quality of the environment is a reasonable probability."

Responsible officials are not currently required to seek review or approval of the Legislature when proposing alternatives to a major transportation project in an EIS.

Summary of Bill:

Whenever a responsible official proposes alternatives in an EIS to a significant transportation project exceeding \$50 million in total cost, the responsible official must seek legislative review and approval, in the omnibus transportation act, of:

- (a) the criteria used to analyze alternatives to the project;
- (b) alternatives of the proposed action for consideration; and
- (c) the alternative selected.

Appropriation: None.

Fiscal Note: Requested on January 31, 2006.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed.